

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC.APPLICATION No. 7095 of 2007****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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SANDIP HASMUKHBHAI PATEL & 1 - Applicant(s)**Versus****STATE OF GUJARAT & 1 - Respondent(s)**

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Appearance :

MR JR DAVE for Applicant(s) : 1 - 2.
PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 27/06/2007****ORAL JUDGMENT**

Rule. Shri Satish Patel, learned advocate waives service of rule on behalf of respondent No.2. Shri Mengdey, learned APP waives service of rule on behalf of respondent No.1. With the consent of learned

advocates appearing on behalf of the respective parties, the matter is taken up for final hearing today.

2. By way of this application under section 482 of Criminal Procedure Code, the applicants, - original accused have prayed to quash and set aside the complaint being C.R. No. II 3306 of 2007 lodged with Amraiwadi Police Station, Annexure A to the application.

3. Considering the relations between the petitioner and the respondent No.2 herein, - original complainant and the dispute is settled amicably between the parties and the main dispute was with the mother and daughter who has married with one Anilbhai Pratapsinh Rajput, it is requested to exercise the powers under section 482 of Criminal Procedure Code and to quash and set aside the complaint considering the decision of the Hon'ble Supreme Court in the case of B.S. Joshi and others V. State of Haryana and others reported in (2003) 2 GLH 351. An affidavit of the respondent No.2 is filed in the present proceedings submitting that in view of the fact that her daughter who has married with one Anilbhai is staying happily, in the larger interest of her daughter and the family members, the respondent No.2 herein, original complainant does not want to proceed further with the complaint filed by her and has submitted that if the aforesaid criminal complaint is set aside, she has no objection.

4. Considering the judgment of the Hon'ble Supreme Court in the case of B.S. Joshi and others (supra) and in the larger interest of the daughter of the original complainant and as the matter is settled and in the peculiar facts and circumstances of the case, the impugned complaint being C.R. No. II 3306 of 2007 lodged with Amraiwadi Police Station is hereby quashed and set aside. Rule made absolute. DS permitted.

(M.R. Shah, J.)

shekhar/-